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THE CONSTITUTION
of
THE REPUBLIC OF CHINA

A translation of the Constitution of the Republic of China, promulgated by the National Government on January 1, 1947, to become effective on December 25, 1947.

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The Constitution of the Republic of China



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The Constitution of the Republic of China

(Adopted by the National Assembly on December 25, 1946, and promulgated by the National Government on January 1, 1947 to become effective on December 25, 1947).

PREAMBLE

The National Assembly of the Republic of China, by virtue of the mandate received from the whole body of citizens, in accordance with the teachings of Dr. Sun Yat-sen, founder of the Republic of China, and in order to consolidate the power of the state, safeguard the rights of the people, ensure social security and promote the welfare of the people, hereby adopt this Constitution to be promulgated and enforced throughout the land for faithful and perpetual observance by all.

CHAPTER I—GENERAL PROVISIONS

ARTICLE 1—The Republic of China founded on the *San Min Chu I* (Three People's Principles*), is a democratic republic of the people, governed for the people and by the people.

ARTICLE 2—The sovereignty of the Republic of China resides in the whole body of citizens.

ARTICLE 3—Persons possessing the nationality of the Republic of China are citizens of the Republic of China.

ARTICLE 4—The territory of the Republic of China comprises its original areas. It shall not be altered except by resolution of the National Assembly.

ARTICLE 5—All racial groups of the Republic of China shall enjoy equality.

* *The Three People's Principles are the Principle of Nationalism, the Principle of Democracy, and the Principle of People's Livelihood.*

ARTICLE 6—The National flag of the Republic of China shall have a red background with a blue sky and a white sun in the upper left corner.

CHAPTER II—RIGHTS AND DUTIES OF THE PEOPLE

ARTICLE 7—All citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation shall be equal before the law.

ARTICLE 8—Freedom of person shall be guaranteed to the people. No person may, except in case of *flagrante delicto* as otherwise provided for by law, be arrested or detained except through a judicial or a police organ in compliance with legal procedure. No person may be tried or punished except by a law court in accordance with legal procedure. Any arrest, detention, trial, or punishment, if not in accordance with legal procedure, may be refused.

When a person is arrested or detained on suspicion of having committed a crime, the organ responsible therefor shall in writing inform the said person and his designated relatives or friends of the reason for the arrest or detention, and shall, within twenty-four hours, turn him over to a competent court for trial. The said person, or any other person, may petition the competent court to demand from the organ concerned the surrender, within twenty-four hours, of the said person to the court for trial.

The court may not reject the petition mentioned in the preceding section, nor may it order the organ concerned to make an investigation and report first. The organ concerned may not refuse to execute or delay in executing the writ of the court for surrender of the said person for trial.

When a person is arrested or detained illegally, he or any other person may petition the court for investigation. The court may not reject such a petition, and shall, within twenty-four hours, make the investigation with the organ concerned, and proceed with the case in accordance with law.

ARTICLE 9—No person may, except those in active military service, be subject to trial by a military court.

ARTICLE 10—The people shall have the freedom of domicile and of change of domicile.

ARTICLE 11—The people shall have the freedom of speech, academic instruction, writing, and publication.

ARTICLE 12—The people shall have the freedom of secrecy of correspondence.

ARTICLE 13—The people shall have the freedom of religious belief.

ARTICLE 14—The people shall have freedom of assembly and of association.

ARTICLE 15—The right to exist, the right to work, and the right of property shall be guaranteed to the people.

ARTICLE 16—The people shall have the right to present petitions, file complaints, or institute legal proceedings.

ARTICLE 17—The people shall have the right of election, recall, initiative, and referendum.

ARTICLE 18—The people shall have the right to take public examinations and to hold public offices.

ARTICLE 19—The people shall have the duty of paying taxes in accordance with law.

ARTICLE 20—The people shall have the duty of performing military service in accordance with law.

ARTICLE 21—The people shall have the right and duty of receiving citizen's education.

ARTICLE 22—All other liberties and rights of the people that are not inimical to social order or public interest shall be guaranteed under the Constitution.

ARTICLE 23—None of the liberties and rights enumerated in the preceding articles may, except as warranted by reasons of preventing infringement on the liberties of other persons, averting an imminent crisis, maintaining social order, or advancing public interest, be restricted by law.

ARTICLE 24—Any public functionary who, in violation of law, infringes upon the liberties or rights of any person shall, besides being subject to disciplinary measures in accordance with the law, be responsible under criminal and civil laws. The injured person may, in accordance with law, claim indemnity from the state for damage sustained.

CHAPTER III—THE NATIONAL ASSEMBLY

ARTICLE 25—The National Assembly shall, in accordance with provisions of this Constitution, exercise political power on behalf of the whole body of citizens.

ARTICLE 26—The National Assembly shall be composed of the following representatives:

(1)—One representative to be elected by every *Hsien* (county), mu-

nicipality, or area of an equivalent status. In case the population exceeds five hundred thousand, one additional representative shall be elected for every additional five hundred thousand. What constitutes an area equivalent to a *Hsien* or to a municipality shall be determined by law.

(2)—Representatives to be elected by Mongolia. four from every league and one from every special banner*.

(3)—The number of representatives to be elected from Tibet shall be determined by law.

(4)—The number of representatives to be elected by various racial groups in the border regions shall be determined by law.

(5)—The number of representatives to be elected by Chinese nationals residing abroad shall be determined by law.

(6)—The number of representatives to be elected by occupational groups shall be determined by law.

(7)—The number of representatives to be elected by women's organizations shall be determined by law.

ARTICLE 27—The functions and powers of the National Assembly shall be as follows:

(1)—Election of the President and the Vice-President.

(2)—Recall of the President or the Vice-President.

(3)—Amendment of the Constitution.

(4)—Ratification of amendments to the Constitution proposed by the Legislative Yuan.

With respect to the exercise of the powers of initiative and referendum, besides what is stipulated in the preceding third and fourth sections, the National Assembly shall institute measures pertaining thereto and enforce them, after the said two powers shall have been exercised in one-half of the *Hsien* and municipalities of the whole country.

ARTICLE 28—Representatives to the National Assembly shall be elected every six years.

The terms of office of the representatives to each National Assembly shall terminate on the day of convocation of the next National Assembly. Incumbent government officials may not be elected representatives to the National Assembly in constituencies where they hold office.

** League and banner are administrative units in Mongolia.*

ARTICLE 29—The National Assembly shall be summoned by the President to meet ninety days prior to the date of expiration of the term of each presidency.

ARTICLE 30—The National Assembly may, in any of the following circumstances, convene in extraordinary session:

(1)—When, in accordance with the provisions of Article 49 of this Constitution, it is necessary to hold a supplementary election of the President and the Vice-President;

(2)—When, in accordance with a resolution of the Control Yuan, an impeachment of the President or the Vice-President is instituted;

(3)—When, in accordance with a resolution of the Legislative Yuan, an amendment to the Constitution is proposed;

(4)—When it is convened upon a petition of over two-fifths of the representatives of the National Assembly.

When an extraordinary session is called in accordance with the preceding first or second section, the President of the Legislative Yuan shall issue the notice of convocation; when called in accordance with the preceding third or fourth section, such session shall be summoned by the President of the Republic.

ARTICLE 31—The National Assembly shall meet at the seat of the Central Government.

ARTICLE 32—No representative to the National Assembly shall be held responsible outside the Assembly for opinions he may have expressed or for votes he may have cast in sessions of the Assembly.

ARTICLE 33—While the Assembly is in session, no representative to the National Assembly shall, except in case of *flagrante delicto*, be arrested or detained without the permission of the National Assembly.

ARTICLE 34—The organization of the National Assembly, the election and recall of representatives to the National Assembly, and the procedure of the exercise of the functions and powers of the National Assembly shall be prescribed by law.

CHAPTER IV—THE PRESIDENT

ARTICLE 35—The President is the head of the state and represents the Republic of China in official foreign relations.

ARTICLE 36—The President shall command the land, sea, and air forces of the whole country.

ARTICLE 37—The President shall, in accordance with law, promulgate laws and issue mandates with the counter-signature of the President of the Executive Yuan, or of both the President of the Executive Yuan and the Heads of Ministries, or Commissions concerned.

ARTICLE 38—The President shall, in accordance with the provisions of this Constitution, exercise the powers of concluding treaties, declaring war, and making peace.

ARTICLE 39—The President may, in accordance with law, declare martial law with the approval or confirmation of the Legislative Yuan. When the Legislative Yuan deems it necessary it may, by resolution, request the President to rescind such law.

ARTICLE 40—The President shall, in accordance with law, exercise the power of granting general amnesties, pardons, remission of sentences, and restitution of civil rights.

ARTICLE 41—The President shall, in accordance with law, appoint and remove civil and military officers.

ARTICLE 42—The President may, in accordance with law, confer honors and award decorations.

ARTICLE 43—In case of a natural calamity, an epidemic, or a serious national financial or economic crisis which necessitates that emergency measures be taken, the President, during the recess of the Legislative Yuan, may, by resolution of the Executive Yuan Council and in accordance with the Emergency Decrees Law, issue an emergency decree expedient and necessary to cope with the situation. Such a decree shall, within one month after issuance, be presented to the Legislative Yuan for confirmation; in case the Legislative Yuan dissents, the said decree shall immediately become null and void.

ARTICLE 44—In case of any difference of opinion arising among the different Yuan that is not covered by the Constitution, the President may summon a meeting of the presidents of the Yuan concerned for consultation to settle the difference.

ARTICLE 45—Any citizen of the Republic of China having attained to the age of forty years is eligible to the office of the President or the Vice-President.

ARTICLE 46—The election of the President and the Vice-President shall be prescribed by law.

ARTICLE 47—The term of office of the President and the Vice-President shall be six years. They may be elected for a second term.

ARTICLE 48—The President shall, at the time of his inauguration, take an oath as follows: “I do solemnly and sincerely swear before the people of the whole country that I will observe the Constitution, faithfully perform my duties, promote the welfare of the people, safeguard the security of the state, and will not betray the trust of the people. Should I betray my oath, I shall be willing to submit myself to severe punishment from the state.”

ARTICLE 49—In the event of the President’s office becoming vacant, the Vice-President shall succeed to the Presidency until the expiration of the presidential term. In case both the President’s and the Vice-President’s office should become vacant, the President of the Executive Yuan shall discharge the duties of the President’s office. In accordance with the provisions of Article 30 of the Constitution, an extraordinary session of the National Assembly shall be convened for the purpose of holding a supplementary election of the President and the Vice-President, who shall hold office until the completion of the unfinished term of the former President.

In case the President should become unable to attend to office due to any cause, the Vice-President shall discharge the duties of his office. In case both the President and the Vice-President should become unable to attend to office, the President of the Executive Yuan shall discharge the duties of the President’s office.

ARTICLE 50—The President shall retire from office on the day his term expires. If by that time the succeeding President shall not have yet been elected, or, if already elected, both the President and the Vice-President shall not have yet been inaugurated, the President of the Executive Yuan shall discharge the duties of the President’s office.

ARTICLE 51—The period for the President of the Executive Yuan to discharge the duties of the President’s office shall not exceed three months.

ARTICLE 52—The President, except in the case of rebellion or treason, shall not, without having been recalled or released from office, be liable to criminal prosecution.

CHAPTER V—ADMINISTRATION

ARTICLE 53—The Executive Yuan is the highest administrative organ of the state.

ARTICLE 54—The Executive Yuan shall have a President, a Vice-President, a number of Heads of various Ministries and Commissions, and a number of Executive Members without portfolio.

ARTICLE 55—The President of the Executive Yuan shall be appointed by the President of the Republic with the consent of the Legislative Yuan. During the recess of the Legislative Yuan, if the President of the Executive Yuan resigns or if his office becomes vacant, the Vice-President of the Yuan shall discharge the duties of the office of the President of the Executive Yuan. The President of the Republic shall, within forty days, request the Legislative Yuan to summon a meeting for consent to his nominee to the presidency of the Executive Yuan.

Pending consent of the Legislative Yuan to the said nominee, the Vice-President of the Executive Yuan shall discharge the duties of the office of the President of the Yuan.

ARTICLE 56—The Vice-President, the Heads of the various Ministries and Commissions, and the Executive Members without portfolio of the Executive Yuan shall be appointed by the President of the Republic upon the recommendation of the President of the Executive Yuan.

ARTICLE 57—The Executive Yuan shall be responsible to the Legislative Yuan in accordance with the following provisions:

(1)—The Executive Yuan has the responsibility to present to the Legislative Yuan its administrative policies and its administrative reports. Members of the Legislative Yuan have, in the sessions of the Legislative Yuan, the right to interpellate the President and the Heads of the various Ministries and Commissions of the Executive Yuan.

(2)—If the Legislative Yuan dissents to any important policy of the Executive Yuan, it may, by resolution, ask the Executive Yuan to alter such policy. With respect to such resolution, the Executive Yuan may, with the approval of the President of the Republic, request the Legislative Yuan for reconsideration. If, in reconsideration, two-thirds of the attending members of the Legislative Yuan uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office.

(3)—If the Executive Yuan deems a resolution passed by the Legislative Yuan on a statutory, budgetary, or treaty bill difficult and inexpedient for execution, it may, with the approval of the President of the Republic, request, within ten days after the delivery of the said resolu-

tion to the Executive Yuan, the Legislative Yuan for reconsideration. If, in reconsideration, two-thirds of the attending members of the Legislative Yuan uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office.

ARTICLE 58—The Executive Yuan shall have an Executive Yuan Council to be composed of its President, Vice-President, and the Heads of the various Ministries and Commissions and the Executive Members without portfolio of the Executive Yuan, with the Yuan President as chairman.

Prior to the submission to the Legislative Yuan of any statutory or budgetary bill or any bill concerning declaration of martial law, granting of general amnesty, declaration of war, conclusion of peace, treaties, or other important affairs, or concerning matters of common concern to the various ministries and commissions, the President and the Heads of the various Ministries and Commissions of the Executive Yuan shall present the same to the Executive Yuan Council for discussion and decision.

ARTICLE 59—The Executive Yuan shall, three months before the beginning of every fiscal year, present to the Legislative Yuan the budget for the following fiscal year.

ARTICLE 60—The Executive Yuan shall, within four months after the end of every fiscal year, present the budget statement to the Control Yuan.

ARTICLE 61—The organization of the Executive Yuan shall be prescribed by law.

CHAPTER VI—LEGISLATION

ARTICLE 62—The Legislative Yuan is the highest legislative organ of the state to be composed of Members elected by the people. It shall exercise the legislative power on behalf of the people.

ARTICLE 63—The Legislative Yuan shall have the power to decide upon any statutory or budgetary bill or any bill concerning martial law, general amnesty, declaration of war, conclusion of peace, treaties, and other important affairs of the state.

ARTICLE 64—Members of the Legislative Yuan shall be elected in accordance with the following provisions:

(1)—Those elected by provinces and by municipalities under the direct jurisdiction of the National Government, five from each province or municipality with a population of less than three million; and, in case of a population exceeding three million, one additional member for every additional one million persons.

(2)—Those elected by Mongolian leagues.

(3)—Those elected by Tibet.

(4)—Those elected by various racial groups in border regions.

(5)—Those elected by Chinese nationals residing abroad.

(6)—Those elected by occupational groups.

The election of the Members of the Legislative Yuan and the allotment of their number in the preceding second and sixth sections shall be determined by law.

The number of women members in Section 1 of this article shall be determined by law.

ARTICLE 65—Members of the Legislative Yuan shall serve a term of three years, and are re-eligible. The general election shall be completed within three months prior to the expiration of each term of office.

ARTICLE 66—The Legislative Yuan shall have a President and a Vice-President to be elected by and from among the Members of the Legislative Yuan.

ARTICLE 67—The Legislative Yuan may organize various committees. Such committees may invite government officials and private persons concerned to be present at their meetings for consultation.

ARTICLE 68—The Legislative Yuan shall hold two regular sessions every year, to be convened by itself. The first session shall last from February to the end of May, and the second session from September to the end of December. When necessary, a session may be extended.

ARTICLE 69—In any of the following circumstances, the Legislative Yuan may hold an extraordinary session:

(1)—At the request of the President of the Republic.

(2)—Upon the petition of more than one-fourth of the Members of the Legislative Yuan.

ARTICLE 70—The Legislative Yuan shall not make proposals for an increase in the expenditures listed in the budget presented by the Executive Yuan.

ARTICLE 71—At meetings of the Legislative Yuan, the Presidents of the various Yuan concerned and the Heads of the various Ministries and Commissions concerned may be present to present their views.

ARTICLE 72—Statutory bills passed by the Legislative Yuan shall be sent to the President of the Republic and to the Executive Yuan. The President shall, within ten days after their receipt, promulgate them. The President may proceed with them in accordance with the provisions of Article 57 of the Constitution.

ARTICLE 73—No Member of the Legislative Yuan shall be held responsible outside of the Yuan for opinions he may have expressed and votes he may have cast in sessions of the Yuan.

ARTICLE 74—No Member of the Legislative Yuan may, except in case of *flagrante delicto*, be arrested or detained without the permission of the Legislative Yuan.

ARTICLE 75—No Member of the Legislative Yuan may concurrently hold a public office.

ARTICLE 76—The organization of the Legislative Yuan shall be prescribed by law.

CHAPTER VII—JUDICIARY

ARTICLE 77—The Judicial Yuan is the highest judicial organ of the state and shall have jurisdiction over civil, criminal, and administrative suits involving public functionaries.

ARTICLE 78—The Judicial Yuan shall have the power to interpret the Constitution and also the power to unify the interpretations of laws and decrees.

ARTICLE 79—The Judicial Yuan shall have a President and a Vice-President, who shall be appointed by the President of the Republic with the consent of the Control Yuan.

The Judicial Yuan shall have a number of Grand Judges to attend to matters stipulated in Article 78 of the Constitution, who shall be appointed by the President with the consent of the Control Yuan.

ARTICLE 80—Judges shall be independent of party affiliations and shall, in accordance with law, have independence in the exercise of their functions, subject to no interference of any kind.

ARTICLE 81—The Judges shall hold office for life. No Judge may be removed from office unless he shall have been subject to criminal or disciplinary punishment or shall have been declared to be under interdiction. No Judge may, except in accordance with law, be suspended,

transferred, or have his salary reduced.

ARTICLE 82—The organization of the Judicial Yuan and the law courts of various grades shall be prescribed by law.

CHAPTER VIII—EXAMINATION

ARTICLE 83—The Examination Yuan is the highest examination organ of the state and shall attend to matters relating to examination, appointment, personnel registration, ranks, work records, salaries, promotion and transfers, security of tenures, commendation, compensation, retirement, pensions, et cetera.

ARTICLE 84—The Examination Yuan shall have a President and a Vice-President and a number of Examination Members who shall be appointed by the President of the Republic, with the consent of the Control Yuan.

ARTICLE 85—In the selection of public functionaries, the system of examinations by open competition shall be enforced, quotas of candidates shall be prescribed severally according to provinces and areas, and examinations shall be held in designated districts. No person may be appointed to a public office without having passed an examination.

ARTICLE 86—The following qualifications shall be determined and registered through examination by the Examination Yuan in accordance with law:

(1)—Qualifications for appointment as public functionaries.

(2)—Qualifications for practice in specialized professions and as technicians.

ARTICLE 87—The Examination Yuan may, with respect to matters under its charge, present statutory bills to the Legislative Yuan.

ARTICLE 88—Examination Members shall be independent of party affiliations and shall, in accordance with law, have independence in the exercise of their functions.

ARTICLE 89—The organization of the Examination Yuan shall be prescribed by law.

CHAPTER IX—CONTROL

ARTICLE 90—The Control Yuan is the highest organ of control of the state and shall exercise the powers of consent, impeachment, rectification, and auditing.

ARTICLE 91—The Control Yuan shall be composed of Control Members, to be elected by provincial and municipal councils, the local district councils of Mongolia and Tibet, and overseas Chinese communities. The allotment of their respective numbers shall be made in accordance with the following provisions:

(1)—Five members from every province.

(2)—Two members from every municipality under the direct jurisdiction of the National Government.

(3)—Eight members from Mongolian leagues and banners.

(4)—Eight members from Tibet.

(5)—Eight members from Chinese nationals residing abroad.

ARTICLE 92—The Control Yuan shall have a President and a Vice-President, to be elected by and from among the Control Members.

ARTICLE 93—Control Members shall serve a term of six years and are eligible for re-election.

ARTICLE 94—When the Control Yuan exercises the power of consent in accordance with the Constitution, it shall do so by resolutions of a majority of its attending members.

ARTICLE 95—The Control Yuan, in the exercise of its censorial powers, may request the Executive Yuan and its Ministries and Commissions to present to it for perusal orders issued by them and related documents.

ARTICLE 96—The Control Yuan, according to the nature of the work of the Executive Yuan and its Ministries and Commissions, may appoint severally a number of committees to investigate their administration with a view to finding out whether or not there is any violation of law or any neglect of duty on the part of the Executive Yuan and of its Ministries and Commissions.

ARTICLE 97—The Control Yuan may, on the basis of the investigations and resolutions of its committees, propose measures of rectification to be sent to the Executive Yuan and its Ministries and Commissions concerned, with request to effect improvement.

When the Control Yuan deems a public functionary in the central or a local government guilty of neglect of duty or violation of law, it may propose measures of rectification or institute an impeachment. If the criminal law is involved, the case shall be turned over to a law court.

ARTICLE 98—Any impeachment by the Control Yuan of a public functionary in a central or a local government shall be instituted upon the proposal of more than one Control Member and the endorsement, after due consideration, of more than nine Control Members.

ARTICLE 99—In the institution of impeachment of personnel of the Judicial Yuan or of the Examination Yuan for neglect of duty or violation of law, the provisions of Articles 95, 97 and 98 shall be applicable.

ARTICLE 100—Any impeachment of the President or the Vice-President of the Republic by the Control Yuan shall be instituted upon the proposal of more than one-fourth and the endorsement, after due consideration, of the majority, of the entire membership of the Yuan, and the same shall be brought before the National Assembly.

ARTICLE 101—No Control Member shall be held responsible outside the Yuan for opinions he may have expressed or for votes he may have cast in sessions of the Yuan.

ARTICLE 102—No Control Member may, except in case of *flagrante delicto*, be arrested or detained without permission of the Control Yuan.

ARTICLE 103—No Control Member may concurrently hold a public office or engage in a professional practice.

ARTICLE 104—In the Control Yuan, there shall be an Auditor-General, who shall be appointed by the President of the Republic with the consent of the Legislative Yuan.

ARTICLE 105—The Auditor-General shall, within three months after the presentation of the budget statement by the Executive Yuan, complete the auditing thereof in accordance with law, and submit an auditing report to the Legislative Yuan.

ARTICLE 106—The organization of the Control Yuan shall be prescribed by law.

CHAPTER X—POWERS OF THE CENTRAL AND LOCAL GOVERNMENTS

ARTICLE 107—The following matters shall be subjects of legislation and execution by the Central Government:

- (1)—Foreign affairs.
- (2)—National defense and military affairs concerning national defense.
- (3)—Nationality law, and criminal, civil, and commercial laws.

- (4)—Judicial system.
- (5)—Aviation, national highways, state-owned railways, navigation, postal, and telegraph services.
- (6)—Central Government finance and national revenues.
- (7)—Demarcation between national and provincial or *Hsien* revenues.
- (8)—State-operated economic enterprises.
- (9)—Currency system and state banks.
- (10)—Weights and measures.
- (11)—Policies of international trade.
- (12)—Financial and economic matters of an international nature.
- (13)—Other matters of the Central Government as stipulated in the Constitution.

ARTICLE 108—The following matters shall be subjects of legislation and execution by the Central Government. Their execution may be delegated to the provincial and *Hsien* governments:

- (1)—General rules governing provincial and *Hsien* self-government.
- (2)—Division of administrative areas.
- (3)—Forestry, mining, and commerce.
- (4)—Educational system.
- (5)—Banking and exchange systems.
- (6)—Shipping and coastal fishery.
- (7)—Public utilities.
- (8)—Cooperative enterprises.
- (9)—Water and land communication, and transportation covering more than two provinces.
- (10)—Water conservancy, waterways, and agricultural and pastoral enterprises covering more than two provinces.
- (11)—Personnel registration, ranks, appointment, supervision, and protection of officials in the Central and local governments.
- (12)—Land legislation.
- (13)—Labor legislation and other social legislation.
- (14)—Eminent domain.
- (15)—National census and statistics.
- (16)—Immigration and land reclamation.
- (17)—Police system.
- (18)—Public health.
- (19)—General relief, compensation and unemployment relief.

(20)—Preservation of ancient books, articles, and landmarks of cultural value.

With respect to the preceding sections, the province may enact separate laws and rules, provided these do not contravene national laws.

ARTICLE 109—The following matters shall be subjects of legislation and execution by the province. Their execution may be delegated to the *Hsien*:

(1)—Provincial education, provincial public health, provincial industries, and provincial communications.

(2)—Management and disposal of provincial property.

(3)—Provincial and municipal administration.

(4)—Province-operated enterprises.

(5)—Provincial cooperative enterprises.

(6)—Provincial agriculture and forestry, provincial water conservancy, provincial fishery and animal-husbandry, and provincial public works.

(7)—Provincial finance and provincial revenue.

(8)—Provincial debts.

(9)—Provincial banks.

(10)—Enforcement of provincial police administration.

(11)—Provincial charitable and public welfare enterprises.

(12)—Other matters delegated in accordance with national legislation.

Any of the items in the preceding section covering more than two provinces may, except as otherwise provided for by law, be undertaken jointly by the provinces concerned.

When any province, in undertaking the items in the first section, finds its funds insufficient, it may, by resolution of the Legislative Yuan, receive a subsidy from the National Treasury.

ARTICLE 110—The following matters shall be subjects of legislation and execution by the *Hsien*:

(1)—*Hsien* education, *Hsien* public health, *Hsien* industries, and *Hsien* communications.

(2)—Management and disposal of *Hsien* property.

(3)—*Hsien*-operated enterprises.

- (4)—*Hsien* cooperative enterprises.
- (5)—*Hsien* agriculture and forestry, *Hsien* water conservancy, *Hsien* fishery and animal husbandry, and *Hsien* public works.
- (6)—*Hsien* finance and *Hsien* revenue.
- (7)—*Hsien* debts.
- (8)—*Hsien* bank.
- (9)—Administration of *Hsien* policing and defense.
- (10)—*Hsien* charitable and public welfare enterprises.
- (11)—Other matters delegated in accordance with national legislation and the provincial self-government law.

Any of the items in the preceding section covering more than two *Hsien* may, except as otherwise provided for by law, be undertaken jointly by the *Hsien* concerned.

ARTICLE 111—Should there occur any matter not enumerated in Articles 107, 108, 109, and 110, the same shall fall within the jurisdiction of the Central Government if it is of national nature, of the province if it is of provincial nature, and of the *Hsien* if it is of *Hsien* nature. Any dispute over jurisdiction shall be settled by the Legislative Yuan.

CHAPTER XI—LOCAL GOVERNMENT SYSTEM

PART 1—THE PROVINCE

ARTICLE 112—A Province may convene a Provincial Assembly to enact, in accordance with the General Rules of Provincial and *Hsien* Self-Government, a provincial self-government law, provided the same does not contravene the Constitution.

The organization of the Provincial Assembly and the election of the representatives shall be prescribed by law.

ARTICLE 113—The provincial self-government law should contain the following provisions:

- (1)—In the province, there shall be a Provincial Council. Members of the Provincial Council shall be elected by the people of the province.
- (2)—In the Province, there shall be a Provincial Government with a Provincial Governor, to be elected by the people of the province.
- (3)—Relationship between the province and the *Hsien*.

The legislative power of the province shall be exercised by the Provincial Council.

ARTICLE 114—The provincial self-government law, after enactment, shall be immediately submitted to the Judicial Yuan. The Judicial Yuan, if it deems any part thereof unconstitutional, shall declare null and void the article or articles contradictory to the Constitution.

ARTICLE 115—If, in its enforcement, the provincial self-government law encounters serious obstacles on account of any of the articles therein, the Judicial Yuan shall first summon the parties concerned to present their views. Then the Presidents of the Executive Yuan, Legislative Yuan, Judicial Yuan, Examination Yuan, and Control Yuan shall form a committee, with the President of the Judicial Yuan as chairman, to propose formulas for settlement.

ARTICLE 116—The provincial laws and regulations that are in contravention of National Laws shall be null and void.

ARTICLE 117—In case doubt arises as to whether or not a provincial law or regulation contravenes a National Law, interpretation thereon shall be made by the Judicial Yuan.

ARTICLE 118—The self-government of municipalities under the direct jurisdiction of the National Government shall be stipulated by law.

ARTICLE 119—The local self-government system of the Mongolian leagues and banners shall be stipulated by law.

ARTICLE 120—The self-government system of Tibet shall be guaranteed.

PART 2—THE HSIEH

ARTICLE 121—The *Hsieh* shall enforce self-government.

ARTICLE 122—The *Hsieh* may convene a *Hsieh* Assembly and enact, in accordance with the General Rules of Provincial and *Hsieh* Self-Government, a *Hsieh* self-government law, provided the same does not contravene the Constitution or the provincial self-government law.

ARTICLE 123—People of the *Hsieh*, with respect to matters concerning *Hsieh* self-government, shall exercise the rights of initiative and referendum in accordance with law, and, in regard to the Magistrate and other *Hsieh* self-government officers, shall exercise the rights of election and recall in accordance with law.

ARTICLE 124—In the *Hsieh*, there shall be a *Hsieh* Council. Members of the *Hsieh* Council shall be elected by the people of the *Hsieh*.

The legislative power of the *Hsieh* shall be exercised by the *Hsieh* Council.

ARTICLE 125—*Hsien* laws and regulations that are in contravention of National Laws or provincial laws and regulations shall be null and void.

ARTICLE 126—In the *Hsien*, there shall be a *Hsien* Government with a *Hsien* Magistrate, to be elected by the people of the *Hsien*.

ARTICLE 127—The *Hsien* Magistrate shall attend to the enforcement of *Hsien* self-government and to the execution of matters delegated by central and provincial governments.

ARTICLE 128—The provisions governing the *Hsien* shall apply *mutatis mutandis* to the municipality.

CHAPTER XII—ELECTION, RECALL, INITIATIVE, AND REFERENDUM

ARTICLE 129—The election stipulated in the Constitution, except when otherwise provided for by the Constitution, shall be universal, equal and direct suffrage, and by secret ballot.

ARTICLE 130—Any citizen of the Republic of China having attained to the age of twenty years shall have the right of election in accordance with law. Unless otherwise provided for by the Constitution and laws, any citizen having attained to the age of twenty-three years shall have the right to be elected in accordance with law.

ARTICLE 131—All candidates in the election stipulated in the Constitution shall openly campaign for election.

ARTICLE 132—Coercion or inducement shall be strictly forbidden in elections. Suits arising in connection with elections shall be tried by the court.

ARTICLE 133—A person elected may, in accordance with law, be recalled by his constituency.

ARTICLE 134—In the elections, the minimum number of women to be elected shall be fixed, and measures pertaining thereto shall be prescribed, by law.

ARTICLE 135—Measures with respect to the number and election of representatives of citizens in interior areas whose conditions of living and habits are peculiar to their section shall be prescribed by law.

ARTICLE 136—The people's exercise of their two rights of initiative and referendum shall be stipulated by law.

CHAPTER XIII—FUNDAMENTAL NATIONAL POLICIES

PART 1—NATIONAL DEFENSE

ARTICLE 137—The national defense of the Republic of China shall have as its aim the safeguarding of the national security and the preservation of world peace. The organization of national defense shall be prescribed by law.

ARTICLE 138—The land, sea, and air forces of the whole land shall, independent of individual, regional, or party affiliation, be loyal to the state and shall protect the people.

ARTICLE 139—No political party or faction or individual may make use of armed force as an instrument in a struggle for political power.

ARTICLE 140—No military man in active service may concurrently hold a civil office.

PART 2—FOREIGN POLICY

ARTICLE 141—The foreign policy of the Republic of China shall, in a spirit of independence and initiative and on the basis of the principles of equality and reciprocity, cultivate good neighborliness with other nations and respect treaties and the United Nations Charter in order to protect the rights and interests of overseas Chinese nationals, promote international cooperation, advance international justice, and ensure world peace.

PART 3—NATIONAL ECONOMY

ARTICLE 142—National economy shall be based on the Principle of the People's Livelihood for equitable distribution of land ownership and control of capital in order to obtain a well-balanced development of public economy and private livelihood.

ARTICLE 143—All land within the territory of the Republic of China shall in principle belong to the whole body of citizens. Private ownership of land, acquired by the people in accordance with law, shall be protected and restricted by law. Privately owned land shall be liable to taxation according to its value and the government may buy such land according to its value.

Mines embedded in the land and natural power which may be economically utilized for public benefit shall belong to the state and shall in no way be affected by the people's acquisition of the right of ownership over such land.

If any land has an increase in its value not through exertion of labor and the employment of capital, the state shall levy thereon an increment tax, the proceeds of which shall be enjoyed by the people in common.

In the distribution and adjustment of land, the state shall, as a principle, assist self-farming land owners and persons who make use of the land by themselves, and shall also regulate their appropriate areas of operation.

ARTICLE 144—Public utilities and other enterprises of monopolistic nature shall, as a principle, be under public operation. The same may, if permitted by law, be operated by citizens.

ARTICLE 145—With respect to private wealth and privately operated enterprises, the state shall restrict them by law if they are deemed obstructive to the balanced development of public economy and private livelihood. Cooperative enterprises shall receive encouragement and assistance by the state.

Citizen's productive enterprises and foreign trade shall receive encouragement, guidance, and protection by the state.

ARTICLE 146—The state shall, through the employment of scientific technique, develop water conservancy, increase the productivity of the land, improve agricultural conditions, plan for the utilization of land, and exploit agricultural resources in order to bring about the industrialization of agriculture.

ARTICLE 147—The Central Government, in order to attain a balanced economic development among the provinces, shall extend appropriate aid to undeveloped provinces.

The province, in order to attain a balanced economic development among the *Hsien*, shall extend appropriate aid to undeveloped *Hsien*.

ARTICLE 148—Within the territorial bounds of the Republic of China, all goods shall be permitted to flow freely.

ARTICLE 149—Private financial institutions shall, in accordance with law, be subject to state control.

ARTICLE 150—The state shall extensively establish financial institutions for the people to relieve unemployment.

ARTICLE 151—With respect to Chinese nationals residing abroad, the state shall foster and ensure the development of their economic enterprises.

PART 4—SOCIAL SECURITY

ARTICLE 152—The state shall provide opportunity of employment to people who are capable of work.

ARTICLE 153—The state, in order to improve the livelihood of laborers and farmers and to increase their productive technical skill, shall enact laws and carry out the policies for their protection.

Women and children engaged in labor shall, according to their age and physical condition, be accorded special protection.

ARTICLE 154—Capital and labor shall, on the principle of harmony and cooperation, promote productive enterprises. Mediation and arbitration of disputes between capital and labor shall be stipulated by law.

ARTICLE 155—The state, in order to promote social welfare, shall enforce a social insurance system. To the aged, the infirm, and the crippled among the people who are unable to earn a living, and to victims of unusual calamities, the state shall extend appropriate assistance and relief.

ARTICLE 156—The state, in order to secure the foundation of national existence and development, shall protect motherhood and carry out the policy of promoting the welfare of women and children.

ARTICLE 157—The state, in order to improve national health, shall extensively establish sanitation and infant health protection enterprises and a system of socialized medical service.

PART 5—EDUCATION AND CULTURE

ARTICLE 158—Education and culture shall have as its aim the development among citizens of a national spirit, a democratic spirit, national morality, sound and healthy physique, sciences, and the knowledge and ability to earn a living.

ARTICLE 159—Citizens shall have equal opportunity to receive education.

ARTICLE 160—All children of the school age from six to twelve years shall receive primary education free, and those who are poor shall be supplied with textbooks by the government.

All citizens beyond school age who have not received primary education shall receive supplementary education free, and shall also be supplied with textbooks by the government.

ARTICLE 161—Governments of various grades shall extensively establish scholarships to aid students who, possessing a good record in scholarship and conduct, are financially unable to pursue advanced studies.

ARTICLE 162—All public and private educational institutions in the country shall, in accordance with law, be subject to state supervision.

ARTICLE 163—The state shall pay due attention to the balanced development of education in various areas and shall promote social education in order to raise the cultural standard of the citizens in general. Educational and cultural expenses of border regions and undeveloped regions shall be subsidized by the National Treasury. The more important local educational and cultural enterprises may be undertaken or subsidized by the Central Government.

ARTICLE 164—Expenditure for educational, scientific, and cultural purposes shall be, in case of the Central Government, not less than fifteen percent of the total National Budget, in case of the province, not less than twenty-five percent of the total provincial budget, and in case of the *Hsien*, not less than thirty-five percent of the total *Hsien* budget. Educational and cultural foundations established in accordance with law shall, together with their property, be protected.

ARTICLE 165—The state shall safeguard the livelihood of those who work in the fields of education, sciences, and arts, and shall, in accord with the development of national economy, raise their scale of treatment from time to time.

ARTICLE 166—The state shall encourage scientific discoveries and inventions and shall protect ancient landmarks and articles of historical, cultural, or artistic value.

ARTICLE 167—The state shall extend encouragement or subsidies to the following enterprises of individuals:

(1)—Educational enterprises in the country which have been operated with good record by private individuals.

(2)—Educational enterprises of Chinese nationals residing abroad which have been operated with good record.

(3)—Persons who have made discoveries in learning or in techniques.

(4)—Persons who have long been engaged in education and with good record.

PART 6—BORDER REGIONS

ARTICLE 168—The state shall accord legal protection to the status of the racial groups in the border regions, and shall render special assistance to their undertakings of local self-government.

ARTICLE 169—The state shall positively undertake and foster the development of education, culture, communications, water conservancy, public health, and other economic and social enterprises of the racial groups in the border regions. With respect to the utilization of land, the state shall, according to the climate and the nature of the soil and in the light of what is deemed suitable to the life and habits of the people, protect the land and assist its development.

CHAPTER XIV—ENFORCEMENT AND AMENDMENT OF THE CONSTITUTION

ARTICLE 170—The term “law,” as used in the Constitution, denotes a law that shall have been passed by the Legislative Yuan and promulgated by the President of the Republic.

ARTICLE 171—Laws that are in contravention of the Constitution shall be null and void. When doubt arises as to whether or not a law is in contravention of the Constitution, interpretation thereon shall be made by the Judicial Yuan.

ARTICLE 172—Ordinances that are in contravention of the Constitution or laws shall be null and void.

ARTICLE 173—The power to interpret the Constitution resides in the Judicial Yuan.

ARTICLE 174—Amendments to the Constitution shall be made in accordance with one of the following procedures:

(1)—Upon the proposal of one-fifth of the total number of the representatives of the National Assembly and by a resolution of three-fourths of the representatives present at a meeting having a quorum of two-thirds of the entire Assembly, an amendment may be made.

(2)—Upon the proposal of one-fourth of the members of the Legislative Yuan and by a resolution of three-fourths of the members present at a meeting having a quorum of three-fourths of the members of the Yuan, an amendment may be drawn up and submitted to the National Assembly for ratification. Such a proposed amendment to the Constitution shall, six months before the coming into session of the National Assembly, be published publicly.

ARTICLE 175—Matters provided by the Constitution which require procedures of enforcement shall be prescribed by law.

The preparatory procedure for the enforcement of the Constitution shall be decided upon by the National Assembly which shall have adopted the Constitution.



